IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 125 OF 2004.

Dushyant Lalitrai Bhuta. ... Appellant.

V/s.

Rajesh Lalitrai Bhuta & ors. ... Respondents.

D.D.Madan i/b. Kirit Hakani for the appellant.

Bipin Joshi i/b. N.V.Gala & Co. for the respondents.

CORAM : A.S.Oka, J.

DATED : 24th January, 2005

P.C. :

. The challenge in this appeal is to the order dated 8th January, 2004 passed by learned trial Judge. By the impugned order the learned trial Judge has declined to grant ad-interim relief in favour of the appellant/plaintiff.

2. I find from the order-sheet that this Court has not granted any ad-interim relief in favour of appellant/plaintiff.

3. Learned counsel for the parties informed me that pleadings in the notice of motion are already complete and the notice of motion can be decided on its merits. After having heard learned counsel appearing for the parties I find no fault with the impugned order. The order refusing to grant

ad-interim relief is a discretionary order and there is no reason to interfere with the said order after lapse of one year when the notice of motion is admittedly pending.

4. Hence appeal is dismissed with no order as to costs.

5. Learned trial Judge will decide Notice of Motion No.89 of 2004 expeditiously. It is obvious that learned Judge will decide the motion on its own merits without being influenced by the ad-interim order dated 8th January, 2004 and confirmation thereof by this Court.

6. All the concerned to act on authenticated copy of this order.

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